
From: Evans, David
To: Moore, Kristie
CC: Brown, Robert; Chancey, Barbara; Hall, Lynda
Sent: 1/29/2015 4:15:11 PM
Subject: RE: REVIEW: OR CZARA Budget Q&A

This is very well written, and good to go to OW.

Dave

From: Moore, Kristie
Sent: Thursday, January 29, 2015 2:19 PM
To: Evans, David
Cc: Brown, Robert; Chancey, Barbara
Subject: REVIEW: OR CZARA Budget Q&A

Dave,

At our pre-brief we talked about the need for a Q&A on the Oregon CZARA. AWPD has prepared a Q&A. Can you please review and let me know if you have any edits?

I need to send it to OW by noon, tomorrow.

Thank you,
Kristie

IMPACTS OF DECISION TO DISAPPROVE OREGON'S COASTAL NONPOINT PROGRAM

QUESTION: Why did EPA disapprove Oregon's Coastal Nonpoint Program and what are the financial impacts on Oregon?

ANSWER:

- Per a 2010 lawsuit settlement agreement, NOAA and the EPA were required to make a final decision about the full approvability of Oregon's Coastal Nonpoint Program by January 30, 2015. This decision to disapprove the State's program is solely based on the State's need to improve its forestry practices.
- Under the Coastal Zone Act Reauthorization Amendments (CZARA), this decision requires NOAA and EPA to withhold a portion of funds from related grant programs the State receives from NOAA and EPA. Based on FY15 appropriations levels, the total amount of funds the agencies may withhold would be around \$1.2 million (roughly \$600K from each federal program) for each year the penalty is applied.

BACKGROUND:

- NOAA and EPA jointly administer the Coastal Nonpoint Program, in which Oregon and 32 other states and territories participate. For many years, Oregon has operated its Coastal Nonpoint Program and received EPA and NOAA grant funding with a "conditional approval," pending Oregon's adoption of a complete set of nonpoint source control measures under Sec. 6217 of the Coastal Zone Act Reauthorization Amendments (CZARA),
- In December 2013, NOAA and EPA announced our intent in the Federal Register to find that Oregon has not submitted a fully approvable coastal nonpoint program. NOAA and EPA received a number of

public comments, as well as additional information from the state in support of its program. The agencies carefully considered all comments and additional information prior to making the final decision to disapprove Oregon's Program.

While Oregon has made significant progress on meeting many of its coastal nonpoint program requirements, NOAA and EPA found that the state has not put in place forestry practices that are protective of water quality and designated uses, specifically with respect to riparian protection for small and medium fish bearing streams and small non-fish bearing streams; practices that reduce sediment runoff from legacy roads; practices that reduce sediment runoff from landslides; and practices that assure that herbicides are properly applied.

NOAA and EPA recognize the complexities and challenges Oregon faces in developing a fully approvable coastal nonpoint program. Oregon has shown that it can remedy gaps in its program across many categories of nonpoint source pollution and put in place measures that are protective of water quality. NOAA and EPA remain hopeful that the State will do the same to address the gaps the agencies have identified related to forestry. We are committed to continuing to work closely with the state to help it achieve this goal. The efforts the state makes to meet its CZARA requirements are also vital for the recovery of coho salmon.

While the agencies may withhold funding as early as July 1, 2015, we will evaluate the State's progress in addressing its remaining program gaps when deciding whether and when funding would be withheld. CZARA provides for any funds withheld from one state to be reallocated to states with fully approved coastal nonpoint programs.

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